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SENATE BILL 396

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Linda M. Lopez

AN ACT

RELATING TO CONSERVANCY DISTRICTS; REQUIRING ELECTIONS WITHIN CERTAIN CONSERVANCY DISTRICTS TO BE CONDUCTED WITH THE GENERAL ELECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 73-14-20 NMSA 1978 (being Laws 1975, Chapter 262, Section 3, as amended) is amended to read:

"73-14-20. DEFINITIONS.--As used in Sections 73-14-18 through ~~[73-14-32]~~ 73-14-31.2 NMSA 1978:

A. "absent voter" means a qualified elector who has requested an absentee ballot ~~[forty days]~~ prior to an election;

B. "absentee-early voter" means a qualified elector who has voted early, prior to election day, on an electronic voting machine at ~~[a designated absentee-early voter precinct]~~ an alternate voting site;

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1 C. "benefited area" means that area described by a
2 property appraisal that receives a benefit as a result of the
3 creation of a district for any of the purposes specified in
4 Section 73-14-4 NMSA 1978;

5 D. "election director" means the ~~[person whom the~~
6 ~~board of directors may request to provide election services by~~
7 ~~a contract approved by the secretary of state]~~ county clerk of
8 each county in which the district is located;

9 E. "election officer" means a person appointed by
10 the ~~[board of directors]~~ election director to conduct the
11 election in the absence of ~~[an]~~ the election director and who
12 performs all election services required by statute;

13 F. "list compiler" means a contractor approved by
14 the board of directors to compile and produce a qualified
15 elector list for a conservancy district;

16 G. "qualified elector" means an individual who owns
17 real property within the benefited area of the conservancy
18 district and who has provided proof of an ownership interest to
19 one of the sources specified in Subsection B of Section
20 73-14-20.1 NMSA 1978 within the required time period, or who
21 resides on and owns legal or equitable title in tribal lands
22 and who is over the age of majority;

23 H. "qualified ~~[elector's]~~ elector list" means the
24 list compiled before each election that contains the individual
25 names of all qualified electors; and

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1 I. "residence" means a dwelling that lies partially
2 or completely within the benefited area."

3 Section 2. Section 73-14-20.1 NMSA 1978 (being Laws 1990,
4 Chapter 48, Section 1, as amended) is amended to read:

5 "73-14-20.1. QUALIFIED ELECTOR LIST.--

6 A. The board of directors of the conservancy
7 district may contract for a list compiler before each election
8 to compile and produce a qualified [~~elector's~~] elector list for
9 the conservancy district. The list compiler shall deliver the
10 completed list to the election director no later than forty-
11 five days prior to a district election. An individual who
12 purchases property ninety days prior to an election and whose
13 name does not appear on the qualified [~~elector's~~] elector list
14 shall not vote in that election. The individual may become
15 certified to vote in a future election by filing [~~his~~] the deed
16 of title with the appropriate county clerk at least ninety days
17 before the next conservancy district election.

18 B. Names of qualified electors shall be obtained
19 from the records of the county clerk of the appropriate county,
20 the appropriate county assessor of the appropriate county,
21 records of the conservancy district or from the census bureau
22 and enrollment records provided by the pueblos. The county
23 assessor of the appropriate county [~~the county clerk of the~~
24 ~~appropriate county~~] and the tribal representatives of the
25 appropriate pueblos shall deliver to the election director all

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1 records regarding qualified electors of the benefited area no
2 later than [~~the last day of each March~~] seventy-five days
3 before a district election.

4 C. Updating the qualified [~~elector's~~] elector list
5 shall consist of adding, for any new qualified elector who has
6 purchased property in the district, the name, address and
7 description of all property owned by the qualified elector in
8 the benefited area and removing the name of any elector who is
9 deceased or [~~is no longer a qualified elector because he~~] who
10 no longer owns property within the benefited area.

11 D. Proof of ownership of land within the benefited
12 area requires one of the following:

13 (1) a recorded deed or real estate contract
14 indicating current ownership of land within the benefited area;

15 (2) an individual's name on county clerk
16 records indicating a description of property the individual
17 owns within the benefited area;

18 (3) an individual's name on a list compiled by
19 the governing body of a pueblo within the benefited area
20 indicating that the individual named is residing on and has
21 legal or equitable title in the pueblo; or

22 (4) a current property tax bill indicating
23 ownership of land within the benefited area.

24 E. The election officer or the election director
25 shall distribute to each polling place a current qualified

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1 [elector's] elector list for the appropriate county. The
2 election officer or the election director shall distribute the
3 qualified [elector's] elector list to each polling place within
4 a pueblo located within the benefited area. [~~A qualified~~
5 ~~elector may vote at any one polling place in the pueblo or~~
6 ~~county where he owns land.~~] An individual who seeks to cast
7 [his] a vote but [~~finds his~~] whose name is not on the qualified
8 [elector's] elector list shall not be allowed to vote in that
9 election."

10 Section 3. Section 73-14-24 NMSA 1978 (being Laws 1975,
11 Chapter 262, Section 7, as amended) is amended to read:

12 "73-14-24. TIME AND PROCEDURE FOR ELECTION.--

13 A. On the first Tuesday after the first Monday in
14 [~~January~~] June prior to the middle Rio Grande conservancy
15 district election, an election proclamation shall be published
16 that includes a list of the offices for which a candidate may
17 file, the date and place at which declarations of candidacy
18 shall be filed and the date of the election. The election
19 proclamation shall be published once in a newspaper of general
20 circulation in the counties in which the election shall be
21 held.

22 B. The members of the boards of directors created
23 pursuant to provisions of Sections 73-14-18 through [~~73-14-32~~]
24 73-14-31.2 NMSA 1978 shall be elected at an election [~~held~~] on
25 the first Tuesday after the first Monday in [~~June in 2001 and~~]

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1 November in each [~~odd-numbered~~] even-numbered year
2 [~~thereafter~~].

3 C. The elections for the members of the board of
4 directors of the conservancy district shall be conducted,
5 counted and canvassed as provided in Sections 73-14-18 through
6 [~~73-14-32 and~~] 73-14-31.2, 73-14-84 through 73-14-86 NMSA 1978
7 and the Election Code. [~~The polls may be opened and closed in~~
8 ~~the same manner as provided for the general election under the~~
9 ~~Election Code.~~

10 D. ~~If only one candidate has filed a declaration of~~
11 ~~candidacy for a position to be filled at an election, no~~
12 ~~declared write-in candidate has filed for a position and there~~
13 ~~are no questions or bond issues on the ballot, only one polling~~
14 ~~place for the election may be designated. The one polling~~
15 ~~place may be located in the office of the election director or~~
16 ~~in the office of the middle Rio Grande conservancy district.]"~~

17 Section 4. Section 73-14-27 NMSA 1978 (being Laws 1975,
18 Chapter 262, Section 10, as amended) is amended to read:

19 "73-14-27. ELECTION LOCATION OF POLLING PLACES--NOTICE OF
20 ELECTION [~~CREATION OF ABSENT VOTER PRECINCT~~].--

21 A. For every conservancy district election, [~~the~~
22 ~~board of directors shall provide for adequate polling places~~
23 ~~within the boundaries of the conservancy district. In~~
24 ~~addition, the board of directors shall provide a polling place~~
25 ~~at the main office of the conservancy district and may provide~~

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1 ~~such other locations as it deems necessary. The board of~~
2 ~~directors may also create absentee early voter and absent voter~~
3 ~~precincts]~~ polling places shall be those used for precincts in
4 the general election and that are within district boundaries.

5 B. Notice of the election shall be published three
6 times in a newspaper of general circulation within each county
7 of the district. Each notice shall state the time [~~place~~] and
8 purpose of the election and that the election will be held in
9 conjunction with the general election. Notice shall be
10 published twenty, ten and five days before the election."

11 Section 5. Section 73-14-28.1 NMSA 1978 (being Laws 1996,
12 Chapter 42, Section 12) is amended to read:

13 "73-14-28.1. ELECTION.--The [~~board of directors of the~~
14 ~~conservancy district]~~ county clerk shall conduct the election
15 pursuant to [~~Chapter 73, Article 14]~~ Sections 73-14-18 through
16 73-14-31.2 NMSA 1978 and [~~other applicable election laws or~~
17 ~~shall select an election director as defined in Section~~
18 ~~73-14-20 NMSA 1978 to provide election services. The election~~
19 ~~director shall operate pursuant to a contract approved by the~~
20 ~~secretary of state. The election may be conducted by emergency~~
21 ~~paper ballot, electronic voting machine or any other state-~~
22 ~~certified tabulating voting machine]~~ the Election Code."

23 Section 6. Section 73-14-29 NMSA 1978 (being Laws 1975,
24 Chapter 262, Section 12, as amended) is amended to read:

25 "73-14-29. FORM OF BALLOT--ELECTION MATERIALS.--The

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1 election officer or ~~[the]~~ election director shall oversee the
2 preparation and printing of the ~~[ballots]~~ election materials
3 for a conservancy district election. ~~[Ballots]~~ Election
4 materials shall be prepared and printed at the expense of the
5 conservancy district. The election officer or the election
6 director shall oversee the preparation of a separate ballot for
7 each county within the conservancy district or the preparation
8 of one ballot for use within the entire conservancy district.
9 The ~~[board of directors]~~ election director shall approve the
10 form of the ~~[ballot. The ballot shall contain the numbered~~
11 ~~position or positions as the case may be to which directors are~~
12 ~~to be elected at the election, with the names of all candidates~~
13 ~~for each position listed under that designation]~~ election
14 materials."

15 Section 7. Section 73-14-30 NMSA 1978 (being Laws 1975,
16 Chapter 262, Section 13) is amended to read:

17 "73-14-30. ELECTION EXPENSES.--The conservancy district
18 board shall pay out of the district's treasury to the
19 appropriate county those sums necessary to meet the actual
20 expenses of district elections incurred by the county. The
21 board may levy a tax or assessment sufficient to meet election
22 expenses on all property that is subject to direct assessment
23 or taxation within the district."

24 Section 8. TEMPORARY PROVISION.--For any conservancy
25 district affected by the provisions of this act:

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